

SN 09/597,891
Page 14 of 28

RECEIVED
CENTRAL FAX CENTER
MAR 29 2007

REMARKS

This response is intended as a full and complete response to the final Office Action mailed January 29, 2007. In the Office Action, the Examiner notes that claims 1-7, 9-29, 31-36, 38-51 and 53-55 are pending and rejected and claims 45-48 are withdrawn from consideration. By this response, Applicants have amended claims 1, 14, 49 and 54.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

I. CLAIM OBJECTIONS

Claims 49-51 and 53 are objected to because of a typographical error in independent claim 49. Independent claim 49 has been amended as suggested by the Examiner. As such, the rejection should be withdrawn.

II. REJECTION OF CLAIMS 1-7, 9-29, 31-36, 38-51 AND 53-55 UNDER 35 U.S.C. § 103

A. Claims 1, 2, 8, 12 and 13

The Examiner has rejected claims 1, 2, 8, 12, and 13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,099,319 to Esch et al. (Esch) in view of U.S. Patent 5,446,919 to Wilkins (Wilkins) and U.S. Patent 5,526,034 to Hoarty et al. (Hoarty). Applicants respectfully traverse the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the

542139-1

SN 09/597,891
Page 15 of 28

claimed invention, considered as a whole, would have been obvious. The Esch, Wilkins and Hoarty references, alone or in any operable combination, fail to teach or suggest Applicants' invention as a whole.

Applicants' independent claim 1 recites:

1. An apparatus for packaging programs in a television program delivery system wherein the television program delivery system includes a cable television system, comprising:

a central processor unit (CPU), the CPU comprising program instructions for packaging programs for delivery using the television program delivery system and combining a cable headend specific information signal and the packaged program signal for transmission over the television program delivery system via a single signal to a plurality of cable headends, wherein each one of said plurality of cable headends extracts a portion of said single signal based on said cable headend specific information;

a program storage database coupled to the CPU, wherein the programs are stored for packaging;

a viewer information database coupled to the CPU, wherein viewer information is stored;

an external program source coupled to the CPU, wherein external programs are received at the apparatus;

a delivery control processor unit (DCPU) coupled to the CPU, wherein the program control information signal is generated; and

a cable franchise information access module (CFIA), the CFIA, comprising:

a headend information module that analyzes information related to one or more specific cable headends, the information including one of a number of terminals connected to the cable headend, grouping of terminals, terminal configurations, and cable headend equipment; and

a cable franchise control signal generator that generates cable headend specific information signal, wherein the cable headend specific information signal comprises cable franchise information and is integrated with the program control information signal. (Emphasis added.)

In an exemplary embodiment, the Applicants invention teaches an apparatus for packaging programs comprising a central processor unit (CPU), the CPU comprising program instructions for packaging programs for delivery using the television program delivery system and combining a cable headend specific information signal and the packaged program signal for transmission over the television program delivery system via a single signal to a plurality of cable headends, wherein each one of said plurality of cable headends extracts a portion of said single signal based on said cable headend

542139-1

SN 09/597,891

Page 16 of 28

specific information and a cable franchise control signal generator that generates cable headend specific information signal, wherein the cable headend specific information signal comprises cable franchise information and is integrated with the program control information signal. Consequently, a satellite may transmit program information over a single signal to a plurality of cable headends and each cable headend may extract the portions of the program information signal it needs. (See e.g., Applicants' specification, p. 53, ll. 6-8; p. 76, ll. 14-18.)

Esch, Wilkins and Hoarty, alone or in any permissible combination fail to teach or suggest at least the limitations of combining a cable headend specific information signal and the packaged program signal for transmission over the television program delivery system via a single signal to a plurality of cable headends, wherein each one of said plurality of cable headends extracts a portion of said single signal based on said cable headend specific information and a cable franchise control signal generator that generates cable headend specific information signal, wherein the cable headend specific information signal comprises cable franchise information and is integrated with the program control information signal, as positively recited by Applicants' independent claim 1.

Esch fails to teach or suggest the limitation of combining a cable headend specific information signal and the packaged program signal for transmission over the television program delivery system via a single signal to a plurality of cable headends, wherein each one of said plurality of cable headends extracts a portion of said single signal based on said cable headend specific information. The Examiner concedes this in the Office Action by using Wilkins. (See Office Action, p. 6, ll. 3-7.)

However, the Examiner alleges that Wilkins bridges the substantial gap left by Esch. Wilkins only teaches a method for selective transmission of a message to subscribers of cable television service. (See Wilkins, col. 7, ll. 15-20, emphasis added.) In contrast, the Applicants' invention teaches selective transmission of program control information to a plurality of headends. Therefore, Wilkins fails to bridge the substantial gap left by Esch.

Moreover, the Examiner concedes that Esch and Wilkins fails to teach or suggest at least the limitation of a cable franchise control signal generator that

542139-1

SN 09/597,891

Page 17 of 28

generates cable headend specific information signal, wherein the cable headend specific information signal comprises cable franchise information and is integrated with the program control information signal. (See Office Action, p. 6, ll. 8-9.) However, the Examiner alleges that Hoarty bridges the substantial gap left by Esch and Wilkins.

The Applicants respectfully submit that Hoarty fails to bridge the substantial gap between Esch and Wilkins because Hoarty also fails to teach or suggest a cable franchise control signal generator that generates cable headend specific information signal, wherein the cable headend specific information signal comprises cable franchise information and is integrated with the program control information signal. The Applicants respectfully submit that TV listings and searching programming taught by Hoarty at best only read on the limitation of program control information signal. (See Hoarty, col. 18, ll. 49-62; col. 19, ll. 20-47.) TV listings and searching programming are not equivalent to cable franchise information.

As such, Applicants submit that independent claim 1 and dependent claims 2, 8, 12, and 13 which depend, directly or indirectly, from independent claim 1, are patentable under 35 U.S.C. §103(a) over Esch in view of Wilkins and Hoarty.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

B. Claim 3

The Examiner has rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Esch, Wilkins and Hoarty in view of U.S. Patent 5,223,924 to Strubbe (Strubbe). Applicants respectfully traverse the rejection.

Claim 3 depends directly from independent claim 1 and recites additional limitations thereof. Moreover, for at least the reasons discussed above, the Esch, Wilkins and Hoarty references fail to teach or suggest Applicants' invention as recited in claim 1 as a whole. Strubbe also does not teach combining a cable headend specific information signal and the packaged program signal for transmission over the television program delivery system via a single signal to a plurality of cable headends, wherein each one of said plurality of cable headends extracts a portion of said single signal based on said cable headend specific information and a cable franchise control signal

542139-1

SN 09/597,891
Page 18 of 28

generator that generates cable headend specific information signal, wherein the cable headend specific information signal comprises cable franchise information and is integrated with the program control information signal. Accordingly, the combination of the Esch, Wilkins and Hoarty references with Strubbe does not teach or suggest the independent claim as a whole. As such, Applicants submit that dependent claim 3 is patentable under 35 U.S.C. §103 over Esch, Wilkins and Hoarty in view of Strubbe.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

C. Claims 4-7

The Examiner has rejected claims 4-7 under 35 U.S.C. §103(a) as being unpatentable over Esch, Wilkins, Hoarty and Strubbe in view of U.S. Patent 5,351,075 to Herz (Herz). Applicants respectfully traverse the rejection.

Claims 4-7 depend indirectly from independent claim 1 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Esch, Wilkins, Hoarty and Strubbe references fail to teach or suggest Applicants' invention as recited in claim 1 as a whole. Herz does not teach or suggest the missing limitations as stated above. Accordingly, the combination of the Esch, Wilkins, Hoarty and Strubbe references with Herz, in a rejection of dependent claims, would still result in a gap in the combined teachings in regards to the independent claim. As such, Applicants submit that dependent claims 4-7 are patentable under 35 U.S.C. §103 over Esch, Wilkins, Hoarty and Strubbe in view of Herz.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

D. Claim 9

The Examiner has rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over Esch, Wilkins and Hoarty in view of Florin. Applicants respectfully traverse the rejection.

Claim 9 depends directly from independent claim 1 and recites additional limitations thereof. Moreover, for at least the reasons discussed above, the Esch,

542139-1

SN 09/597,891

Page 19 of 28

Wilkins and Hoarty references fail to teach or suggest Applicants' invention as recited in claim 1 as a whole. Florin does not teach or suggest the missing limitations.

Accordingly, any attempted combination of the Esch, Wilkins and Hoarty references with Florin, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claim 9 is patentable under 35 U.S.C. §103 over Esch, Wilkins and Hoarty in view of Florin.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

E. Claims 10 and 11

The Examiner has rejected claims 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over Esch, Wilkins and Hoarty in view of Herz. Applicants respectfully traverse the rejection.

Claims 10 and 11 depend directly from independent claim 1 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Esch, Wilkins and Hoarty references fail to teach or suggest Applicants' invention as recited in claim 1 as a whole. Herz does not teach or suggest the missing limitations as stated above. Accordingly, any attempted combination of the Esch, Wilkins and Hoarty references with Herz, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 10 and 11 are patentable under 35 U.S.C. §103 over Esch, Wilkins and Hoarty in view of Herz.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

F. Claims 14, 15, 17-19, 25-27, and 31-34

The Examiner has rejected claims 14, 15, 17-19, 25-27 and 31-34 under 35 U.S.C. §103(a) over Wilkins in view of Hoarty. Applicants respectfully traverse the Examiner's rejection.

Applicants' independent claim 14 recites:

642139-1

SN 09/597,891

Page 20 of 28

14. A method for packaging programs for delivery to one or more terminals in a network, comprising:
- collecting user information for one or more users in the network;
 - receiving program information related to available programs;
 - determining a program lineup based on the collected user information and the program information;
 - analyzing information related to a specific cable headend to generate a cable headend specific information signal;
 - generating a program control information signal; and
 - providing the program lineup to one or more of the terminals by combining the program lineup and the cable headend specific information signal comprising cable franchise information for transmission over the network via a single signal to a plurality of cable headends, wherein each one of said plurality of cable headends extracts a portion of said single signal based on said cable headend specific information, wherein the cable headend specific information signal is integrated with the program control information signal.

For at least the reasons discussed above, the Wilkins and Hoarty references alone or in combination fail to teach or suggest Applicants' invention of independent claim 1 as a whole. Independent claim 14 recites similar relevant limitations as recited in independent claim 1 and, therefore, for at least the same reasons discussed above, Wilkins and Hoarty fail to teach or suggest the invention recited in independent claim 14 as a whole. Claims 15, 17-19, 25-27 and 31-34 depend directly or indirectly from independent claim 14 and recite additional limitations thereof. As such, for at least the same reasons, dependent claims 15, 17-19, 25-27 and 31-34 are patentable under 35 U.S.C. §103 over Wilkins and Hoarty.

As discussed above, Wilkins fails to teach or suggest providing the program lineup to one or more of the terminals by combining the program lineup and the cable headend specific information signal comprising cable franchise information for transmission over the network via a single signal to a plurality of cable headends, wherein each one of said plurality of cable headends extracts a portion of said single signal based on said cable headend specific information, wherein the cable headend specific information signal is integrated with the program control information signal. The Examiner also concedes this in the Office Action. (See Office Action, p. 12, ll. 12-16.)

However, the Examiner alleges that Hoarty bridges the substantial gap left by Wilkins. As discussed above Hoarty fails to bridge the substantial gap left by Wilkins

542139-1

SN 09/597,891

Page 21 of 28

because Hoarty also fails to teach or suggest providing the program lineup to one or more of the terminals by combining the program lineup and the cable headend specific information signal comprising cable franchise information for transmission over the network via a single signal to a plurality of cable headends, wherein each one of said plurality of cable headends extracts a portion of said single signal based on said cable headend specific information, wherein the cable headend specific information signal is integrated with the program control information signal. The TV listings and searching programming taught by Hoarty at best only read on the limitation of program control information signal. (See Hoarty, col. 18, ll. 49-62; col. 19, ll. 20-47.) TV listings and searching programming are not equivalent to cable franchise information.

As such, Applicants submit that independent claim 14 is patentable under 35 U.S.C. §103 over Wilkins in view of Hoarty. Claims 15, 17-19, 25-27, and 31-34 depend directly or indirectly from independent claim 14 and recite additional limitations thereof. As such, and at least for the same reasons discussed above, such dependent claims are also patentable under 35 U.S.C. §103(a) over Wilkins in view of Hoarty.

Therefore, Applicants respectfully requests that the Examiner's rejection be withdrawn.

G. Claims 16, 24, 35, 36, and 38-40

The Examiner has rejected claims 16, 24, 35, 36, and 38-40 under 35 U.S.C. §103(a) as being unpatentable over Wilkins and Hoarty in view of Florin. Applicants respectfully traverse the rejection.

For at least the reasons discussed above, the Wilkins and Hoarty references fail to teach or suggest Applicants' invention recited in independent claim 14 as a whole. Claims 16, 24, 35, 36, and 38-40 depend directly or indirectly from independent claim 14 and recite additional limitations thereof. As such, for at least the same reasons, dependent claims 16, 24, 35, 36, and 38-40 are patentable under 35 U.S.C. §103 over Wilkins and Hoarty. Florin does not teach or suggest the missing limitations.

Accordingly, any attempted combination of the Wilkins and Hoarty references with Florin, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit

542139-1

SN 09/597,891
Page 22 of 28

that dependent claims 16, 24, 35, 36, and 38-40 are patentable under 35 U.S.C. §103 over Wilkins and Hoarty in view of Florin.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

H. Claims 20 and 21

The Examiner has rejected claims 20 and 21 under 35 U.S.C. §103(a) as being unpatentable over Wilkins and Hoarty in view of Strubbe.

For at least the same reasons discussed above, the Wilkins and Hoarty references fail to teach or suggest the invention recited in independent claim 14 as a whole. Claims 20 and 21 depend directly or indirectly from independent claim 14 and recite additional limitations thereof. As such, for at least the same reasons, dependent claims 20-21 are patentable under 35 U.S.C. §103 over Wilkins and Hoarty. Strubbe does not teach or suggest the missing limitations as stated above.

Accordingly, any attempted combination of the Wilkins and Hoarty references with Strubbe, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 20 and 21 are patentable under 35 U.S.C. §103 over Wilkins and Hoarty in view of Strubbe.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

I. Claim 22

The Examiner has rejected claim 22 under 35 U.S.C. §103(a) as being unpatentable over Wilkins, Hoarty and Strubbe in view of Herz.

For at least the same reasons discussed above, the Wilkins and Hoarty references fail to teach or suggest the invention recited in independent claim 14 as a whole. Claim 22 depends indirectly from independent claim 14 and recites additional limitations thereof. As such, for at least the same reasons, dependent claim 20 is patentable under 35 U.S.C. §103(a) over Wilkins and Hoarty. The Strubbe and Herz references do not teach or suggest the missing limitations as stated above.

SN 09/597,891

Page 23 of 28

Accordingly, any attempted combination of the Wilkins and Hoarty references with Strubbe and Herz, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claim 22 is patentable under 35 U.S.C. §103 over Wilkins, Hoarty and Strubbe in view of Herz.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

J. Claim 23

The Examiner has rejected claim 23 under 35 U.S.C. §103(a) as being unpatentable over Wilkins, Hoarty and Strubbe in view of U.S. Patent 5,027,400 to Baji et al. (Baji).

For at least the same reasons discussed above, the Wilkins and Hoarty references fail to teach or suggest the invention recited in independent claim 14 as a whole. Claim 23 depends indirectly from independent claim 14 and recites additional limitations thereof. As such, for at least the same reasons, dependent claim 23 is patentable under 35 U.S.C. §103(a) over Wilkins and Hoarty. The Strubbe and Baji references do not teach or suggest the missing limitations as stated above.

Accordingly, any attempted combination of the Wilkins and Hoarty references with Strubbe and Baji, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claim 23 is patentable under 35 U.S.C. §103 over Wilkins, Hoarty and Strubbe in view of Baji.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

K. Claims 41-44

The Examiner has rejected claims 41-44 under 35 U.S.C. §103(a) as being unpatentable over Wilkins and Hoarty in view of Herz. Applicants respectfully traverse the rejection.

SN 09/597,891

Page 24 of 28

Independent claim 14 recites similar relevant limitations similar to those recited in independent claim 1 and, therefore, for at least the same reasons discussed above, Wilkins and Hoarty fail to teach or suggest the invention recited in independent claim 14 as a whole. Claims 41-44 depend directly or indirectly from independent claim 14 and recite additional limitations thereof. As such, for at least the same reasons, dependent claims 41-44 are patentable under 35 U.S.C. §103(a) over Wilkins and Hoarty. Herz does not teach or suggest the missing limitations as stated above.

Accordingly, any attempted combination of the Wilkins and Hoarty references with Herz, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 41-44 are patentable under 35 U.S.C. §103(a) over Wilkins and Hoarty in view of Herz.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

L. Claims 49-50

The Examiner has rejected claims 49-50 under 35 U.S.C. §103(a) as being unpatentable over Florin in view of Hoarty. Applicants respectfully traverse the Examiner's rejection.

Applicants' independent claim 49 recites:

49. A method for optimizing program packaging in a program delivery system, comprising:
selecting one or more programs for packaging;
determining program start times and dates;
allocating transponder space;
setting program prices;
generating a program menu;
analyzing information related to a specific cable headend in the program delivery system to generate a cable headend specific information signal;
generating a program control information signal;
packaging the programs and the program control information signal
combining said program control information signal with the cable headend specific information signal, wherein the cable headend specific information signal comprises cable franchise information integrated with the program control information signal; and

542139-1

SN 09/597,891

Page 25 of 28

transmitting the packaged programs and the combined program control information signal and the cable headend specific information signal via a single signal to a plurality of cable headends, wherein each one of said plurality of cable headends extracts a portion of said single signal based on said cable headend specific information. (Emphasis added.)

The Florin and Hoarty references alone or in combination fail to teach or suggest Applicants' invention of at least claim 49 as a whole.

The Florin reference discloses an interactive audio-visual (A/V) transceiver is advantageously coupled to a television and/or telephone (T/T) cable, a TV, a video recorder (VCR), and other A/V devices. The A/V transceiver switches data between a program/service provider and the connected A/V devices. In one embodiment, the transceiver includes three primary modules, a main module including a CPU, a system bus, system memory, an infra-red (IR) control unit, an audio-visual bus, an A/V decoder, an A/V processor, and an A/V encoder, an A/V connect module including a number of tuner/demodulators and a switch, and an optional CD ROM module. The A/V transceiver hardware is complemented with an operating system and software program, which supports the functions provided in the A/V user interface. Additionally, a remote control device is provided to communicate with the A/V transceiver to interactively manage selection of program and service sources, selection program and service offerings from any selected source, viewing of selected program offerings, and interaction with selected service offerings. The remote control device is advantageously provided with a basic A/V control button group, an interactive control button group, an auxiliary control button group and a numeric keypad to facilitate control of the transceiver. The interactive control button group includes an info button, a list button, a categories button, a pix button, a mark button, a jump button, and a pointing device consisting of up, down, left, and right arrow buttons, and a center select button. Florin fails to teach or to suggest combining said program control information signal with the cable headend specific information signal, wherein the cable headend specific information signal comprises cable franchise information integrated with the program control information signal and transmitting the packaged programs and the combined program control information signal and the cable headend specific information signal via a single signal to a plurality of cable headends, wherein each one of said plurality of

542139-1

SN 09/597,891
Page 26 of 28

cable headends extracts a portion of said single signal based on said cable headend specific information.

Hoarty fails to bridge the substantial gap left by Florin. As discussed above, the TV listings and searching programming taught by Hoarty at best only read on the limitation of program control information signal. (See Hoarty, col. 18, ll. 49-62; col. 19, ll. 20-47.) TV listings and searching programming are not equivalent to cable franchise information. Moreover, Hoarty also fails to teach or suggest combining said program control information signal with the cable headend specific information signal, wherein the cable headend specific information signal comprises cable franchise information integrated with the program control information signal and transmitting the packaged programs and the combined program control information signal and the cable headend specific information signal via a single signal to a plurality of cable headends, wherein each one of said plurality of cable headends extracts a portion of said single signal based on said cable headend specific information, as positively recited by Applicants' Independent claim 49.

Accordingly, independent claim 49 is patentable under 35 U.S.C. §103(a) over Florin and Hoarty. Claim 50 depends directly from independent claim 49 and recites additional limitations thereof. As such, and at least for the same reasons discussed above, dependent claim 50 also is patentable under 35 U.S.C. §103(a) over Florin and Hoarty.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

M. Claim 51 and 53

The Examiner has rejected claims 51 and 53 as being unpatentable over Florin and Hoarty. Applicants respectfully traverse the rejection.

Claims 51 and 53 depend directly from independent claim 49 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Florin and Hoarty references fail to teach or suggest Applicants' invention as recited in claim 49 as a whole. As such, Applicants submit that dependent claims 51 and 53 are patentable under 35 U.S.C. §103 over Florin and Hoarty.

SN 09/597,891
Page 27 of 28

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

N. Claims 54 and 55

The Examiner has rejected claims 54 and 55 under 35 U.S.C. §103(a) as being unpatentable over Florin and Hoarty in view of Wilkins and Baji. Applicants respectfully traverse the Examiner's rejection.

Independent claim 54 recites relevant limitations similar to those recited in independent claim 49. For at least the reasons discussed above with respect to the Examiner's rejection of independent claim 49, Florin and Hoarty fail to teach or suggest Applicants' invention recited in independent claim 54 as a whole. Furthermore, Wilkins and Baji fail to bridge the substantial gap between Florin and Hoarty and Applicants' invention. In particular, Wilkins and Baji, alone or in combination, also fail to teach or suggest at least Applicants' claimed combining the program control information signal and the cable head end specific information signal, wherein the cable headend specific information signal comprises cable franchise information is integrated with the program control information signal and transmitting said combined program control information signal and cable head end specific information signal via a single signal to a plurality of cable headends, wherein each one of said plurality of cable headends extracts a portion of said single signal based on said cable headend specific information.

As such, Applicants submit that independent claim 54 is patentable under 35 U.S.C. §103(a) over Florin, Hoarty, Wilkins and Baji. Claim 55 depends directly from independent claim 55. Accordingly, for at least the same reasons discussed above, claim 55 also is patentable under 35 U.S.C. §103(a) over Florin, Hoarty, Wilkins and Baji.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the

542139-1

SN 09/597,891
Page 28 of 28

RECEIVED
CENTRAL FAX CENTER

MAR 29 2007

primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

CONCLUSION

Thus, Applicants submit that all of the claims presently in the application are patentable under the provisions of 35 U.S.C §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

3/29/07

EJ Wall

Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808